

REMARKS

This Response is to the Non-Final Office Action dated April 23, 2009 and is in accordance with the interview conducted on June 22, 2009. Claims 1 and 18 have been amended. No new matter was added by these amendments. Claims 26 and 28 have been cancelled without prejudice or disclaimer. Please charge Deposit Account No. 02-1818 for any amounts deemed due in connection with this Response.

In the Office Action: (a) the drawings were objected to as allegedly not illustrating the sterile cassette of Claims 26 and 28; (b) Claims 1, 2, 5 to 16, 18 to 22 and 24 to 28 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement in view of the claim language “the sheet not previously attached to either of the two sections of tubing prior to connecting of the sections” of Claims 1 and 18 allegedly being new matter; (c) Claims 1, 2, 5 to 9 and 16 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2003/0143352 A1 to Yang et al. (“*Yang*”) in view of U.S. Patent No. 5,674,333 to Spencer (“*Spencer*”); (d) Claims 10 to 15 and 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Yang* and *Spencer* as applied to Claims 1, 2, 5 to 9 and 16 and further in view of U.S. Patent No. 4,832,773 to Shaposka et al. (“*Shaposka*”); and (e) Claims 25 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Yang* and *Spencer* and further in view of U.S. Patent No. 4,948,062 to Mahar et al. (“*Mahar*”).

Applicants’ cancellation of Claims 26 and 28 without prejudice or disclaimer renders the objection to the drawings moot.

The Office Action indicated that Claims 18 to 22, 24 and 27 would be allowable if rewritten or amended to overcome the above 112 rejection. As discussed during the June 22, 2009 interview, Applicants’ deletion of the language which was the subject of the 112 rejection should place Claims 18 to 22, 24 and 27 in condition for allowance, as such deletion does not conflict with the Office Action’s explanation of the allowable subject matter of Claims 18 to 22, 24 and 27 (see page 9). Applicants additionally made other amendments to Claim 18 which are for clarity. Applicants respectfully submit that in view of the amendments to Claim 18 herein, Claims 18 to 22, 24 and 27 are now in condition for allowance.

Regarding the rejection of Claims 1, 2 and 5 to 16 under 35 U.S.C. §112, Applicants have amended Claim 1 as discussed during the interview to delete the language which was the subject

of the rejection and clarify that the method includes “moving the two tubing sections to bring the respective axially facing surfaces of the two tubing sections into engagement with the sheet.” Support for this amendment is found at paragraph [0040] of the application as filed. In view of this amendment, Applicants respectfully request that the 112 rejection of Claims 1, 2 and 5 to 16 be withdrawn.

Regarding the rejection of Claims 1, 2, 5 to 9 and 16 under 35 U.S.C. §103(a) as being unpatentable over *Yang* in view of *Spencer*, Applicants respectfully submit that the amendment to Claim 1 made herein places Claims 1, 2, 5 to 9 and 16 in condition for allowance. Page 10 of the Office Action stated, regarding Claim 1 as amended in the last Response, that “the embodiment taught by *Yang* of a drum head sealed over a vented seal would result in a sheet material that was not previously connected to either tubing section,” citing paragraph [0066] of *Yang*. While *Yang* disclose a “drum head” which is hermetically sealed to the end of a section of tubing prior to the connection of tube ends, *Yang* does not disclose “moving the two tubing sections *to bring the respective axially facing surfaces of the two tubing sections into engagement with the sheet* [emphasis added],” as in Claim 1. The tubing *sections* do not need to be moved to bring the ends of the tubes into engagement with the “drum head” in *Yang*, as the “drum head” is already hermetically sealed to one of the tubing ends, as explained in the last Response.

Spencer does not remedy the above deficiencies of *Yang*. For at least the above reasons, Applicants respectfully submit that Claims 1, 2, 5 to 9 and 16 are patentable over the combination of *Yang* and *Spencer* and in condition for allowance.

The patentability of Claims 1, 2, 5 to 9, 16 and 25 to 28 renders moot the obviousness rejection of Claims 10 to 15 and 23 as being unpatentable over *Yang* and *Spencer* and further in view of *Shaposka*, and the rejection of Claims 25 and 26 under 35 U.S.C. §103(a) as being unpatentable over *Yang* and *Spencer* and further in view of *Mahar*.

For the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

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Dated: July 23, 2009